

INCOMING TELEGRAM**Department of State***Levy*

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Control: 12758

Rec'd: DECEMBER 18, 1959
10:12 A.M.

Info

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FROM: BAGHDAD

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TO: Secretary of State

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NO: 1405, DECEMBER 18

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SENT DEPARTMENT 1405, REPEATED INFORMATION LONDON 254, TEHRAN 192, KHORRAMSHAHR 17

FOLLOWING IS UNOFFICIAL TRANSLATION TEXT (UNNECESSARY WORDS OMITTED) TWO SECTIONS FOREIGN MINISTRY DEC. 16 STATEMENT ON IRAQ-IRAN BORDER ISSUES.

BEGIN QUOTE.

B. PORT OF KHOSROABAD AND RIGHT TO SOVEREIGNTY ON SHATT AL-ARAB.

SEPT. 10, 1958, IRAN CLAIMED SOVEREIGNTY ON SHATT AL-ARAB, ALLEGING HER NAVAL FORCES ENTITLED TO CARRY OUT SORTIES IN SHATT AL-ARAB WATERS. MAY 7, 1959, IRANIAN GOVT DECLARED KHOSROABAD WAS CONSIDERED NAVAL PORT ATTACHED TO KHORRAMSHAHR AND ASKED IRAQI GOVT TO RECOGNIZE THIS. IRAQI GOVT REPLIED THAT KHOSROABAD WAS NOT FIT FOR NAVAL PORT FROM TECHNICAL POINT OF VIEW.

FROM LEGAL POINT OF VIEW, IRAQI GOVT MADE IT CLEAR THAT IRAQ'S FRONTIERS RAN GENERALLY IN SHATT AL-ARAB TO LOWEST WATER LEVEL ON IRANIAN COAST LINE IN ACCORDANCE WITH FRONTIER PROTOCOL, EXCLUDING TWO SPECIFIC EXCEPTIONS AT PORT OF KHORRAMSHAHR AND PORT OF ABADAN. IN BOTH THESE CASES, THE THEN IRAQI GOVT HAD GRANTED IRANIAN GOVT RIGHT TO USE SHATT AL-ARAB TO MIDDLE OF ITS STREAM. IT WAS ALSO POINTED OUT THAT IRAQ'S FRONTIERS IN AREA OF KHOSROABAD COVERED ALL WATERS OF SHATT AL-ARAB UNTIL LOWEST WATER LEVEL ON IRANIAN SIDE.

IT WAS THEREFORE IMPERMISSIBLE TO BUILD IRANIAN PORT IN THAT AREA UNLESS THIS WAS DONE WITH APPROVAL OF

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IRAQ IN VIEW OF FACT THAT WATERS OF THAT AREA CONSTITUTED IRAQI TERRITORY SUBJECT TO IRAQI SOVEREIGNTY.

IRANIAN GOVT THEREUPON TOOK TO INTIMIDATION BY EXERCISING WHAT IT CALLED ITS LEGAL RIGHTS. IRANIAN GOVT ALSO THREATENED TO TAKE ALL NECESSARY MEASURES TO PRESERVE THEM.

CAN BE SEEN FROM THIS THAT IRANIAN GOVT WAS INTENDING TO ATTAIN HER CLAIMS BY FORCE AND WITHOUT ABIDING BY VALID TREATIES IN MANNER WHICH CANNOT BE APPROVED BY INTERNATIONAL LAW.

C. VIOLATION OF PORT ORDERS BY VESSELS.

LATELY VIOLATIONS BY IRANIAN VESSELS AND FOREIGN VESSELS WHICH WORK FOR IRANIAN OIL COMPANIES HAVE INCREASED. THEY BEGAN TO ENTER SHATT AL-ARAB GOING TOWARDS KHOSROABAD UNDER PROTECTION OF IRANIAN ARMED SHIPS WITHOUT OBTAINING APPROVAL OF IRAQI PORT AUTHORITIES AND WITHOUT TAKING ON IRAQI PILOT AS CURRENT RECOGNIZED REGULATIONS REQUIRE. AS SAMPLE, VESSEL PANINTOIL 21 BELONGING TO PAN AMERICAN OIL COMPANY ENTERED SHATT AL-ARAB TOWARDS KHOSROABAD AND DEPARTED IT UNDER PROTECTION OF IRANIAN ARMED VESSELS WITHOUT PAYING ATTENTION TO WIRELESS SIGNALS BY THE IRAQI PORT AUTHORITIES ORDERING IT TO STOP. WHILE THIS ACT IS CONSIDERED CLEAR VIOLATION OF PORT INSTRUCTIONS, WHICH STIPULATE THAT PILOTS OF VESSELS SHOULD OBTAIN PILOTAGE CERTIFICATE GRANTED BY THE (PORT) SERVICE, AND IN EVENT OF NOT POSSESSING SUCH CERTIFICATE IT IS NECESSARY THAT VESSEL SHOULD BE UNDER GUIDANCE OF IRAQI PILOT HOLDING SUCH CERTIFICATE. BUT IRANIAN GOVT, DESPITE OUR DRAWING ITS ATTENTION TO THAT, HAS NOT PAID ATTENTION TO THESE INSTRUCTIONS AND HAS CONTINUED TO VIOLATE THEM. IT HAS LATELY CARRIED OUT PROVOCATORY ARMY CONCENTRATION ON ENTIRE LINE OF SHATT AL-ARAB AND HAS CONSIDERED KHOSROABAD AS AN IRANIAN PORT ALTHOUGH ITS WATERS ARE

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INCLUDED WITHIN IRAQI WATERS. THIS ATTITUDE OF IRANIAN GOVT HAS BECOME A DANGER TO NAVIGATION AND INTERNATIONAL INTEREST IN SHATT AL-ARAB IN ADDITION TO ITS BEING VIOLATION OF INTERNATIONAL LAW AND ALSO VIOLATION OF IRAQ'S SOVEREIGNTY IN SHATT AL-ARAB AND CLEAR TRANSGRESSION ON ITS REGIONAL WATERS. IRANIAN GOVT'S VIOLATIONS IN THIS CONNECTION STILL BEING CONTINUED IN SHATT AL-ARAB UNTIL NOW.

END QUOTE.

HIGHLIGHTS OF STATEMENT AS WHOLE BY SEPARATE TELEGRAM.

JERNEGAN

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